IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

MONDAY, THE 12TH NOVEMBER 2007 / 21ST KARTHIKA 1929

LA.App..No. 1592 of 2002()

LAR.1/1997 of PRL.SUB COURT,KOTTAYAM
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APPELLANT: RESPONDENT:

STATE OF KERALA.

BY GOVERNMENT PLEADER SMT.LATHA THNKAPPAN

RESPONDENTS: CLAIMANT:

CYRIAC C.MATHEW,
CHERUKATTU VEETTIL, MITHRAKARI MURI,
MUTTAR VILLAGE.

BY

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 12/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A No.1592 of 2002

and

C.M.P.No. 6492 of 2002

Dated this the 12th day of November 2007

JUDGMENT

Kurian Joseph,J

C.M.P No. 6492 of 2002 is a petition to condone the delay of 450 days in filing this appeal. This appeal is against the judgment and decree in L.A.R No.1 of 1997 on the file of the Principal Sub court, Kottayam. Acquisition is for Changanassery Bye-pass. In the affidavit it is stated that *" The District Collector issued an order to file an appeal on 16.2.01. The appeal was filed on 4/6/2002. In the above circumstances there is a delay of 450 days in filing the above appeal*." There is absolutely no explanation for the delay other than what is stated above. On merits it is seen that the Reference court referred to the basic documents and granted the enhancement in view of the potentiality of the development of the acquired land. It is also seen that the claimant had produced Ext.A1 documents executed in the year 1988, almost 7 years prior to the publication of Section 4(1) notification. Ext.A1 document reveals that 10 cents of property has been sold for a consideration of 3.5 lakhs. . That documents was discarded for the only reason that the parties to the documents have not been examined though the document has proved through the scribe(AW2). We do not find any justification in the stand

taken by the Reference court. Had Ext.A1 document been relied on, the enhancement would have been much more . On merits, we do not thus find anything to interfere with this appeal. Therefore this delay petition is dismissed and consequently the appeal is also dismissed.

KURIAN JOSEPH, JUDGE

HARUN-UL-RASHID, JUDGE

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